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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,502	10/01/2003	Satoshi Ishikawa	461-149	4237
23117	7590	09/12/2006	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			RAO, G NAGESH	
			ART UNIT	PAPER NUMBER

1722

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/674,502	<b>Applicant(s)</b> ISHIKAWA ET AL.	
	<b>Examiner</b> G. Nagesh Rao	<b>Art Unit</b> 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 2-4, 7, 8 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/27/06</u> | 6) <input type="checkbox"/> Other: _____  |

***Allowable Subject Matter***

1) The indicated allowability of claim 13 is withdrawn in view of the newly discovered reference(s) to JP 2002-103325 submitted by applicant in the 1449 on 7/25/06. Rejections based on the newly cited reference(s) follow.

***Claim Objections***

2) Claims 2-4, 7-8, and 12 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 2-4, 7-8, and 12 recite language pertaining to the operation and function of the apparatus, thus interpreted as recitation of intended use and do not structurally limit what is claimed by applicant.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3) Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2002-103325. Examiner would like to point out that the way the claims are interpreted is based on how the claim 1 and subsequent claims thereafter are written for the broadest interpretation.

Upon review and translation of JP 325 which examiner has provided in this office action, it is simply understood by examiner that what is claimed by applicant in claim 1 and thereafter is a “conveying apparatus” that has “pads”, and said pads are made of a low resilience material easily deformable in conformity with the contour of the rod-like ceramic molding when being in contact with the latter.

The language pertaining to the guiding, cutting, and specific type of axial length cut are recitations of intended use since they are not positively recited into the apparatus structure. Evidence of said conjecture is determined via the next set of claims (10-19) which actually positively recite the structure of the conveying apparatus.

Therefore JP 325 clearly teaches as noted in the abstract, title, and section 0006 of the English translated specification whereby it states “this invention is the cradle for conveyance of the elasticity of ceramic extrusion-molding object of the honeycomb structure extruded from an extruding press machine, and is the cradle for conveyance of the honeycomb structure extrusion-molding object characterized

by using foam at a part of part [at least] which carries out contact maintenance at said extrusion molding object...” The reference continues on but it adequately recites a type of conveying apparatus that has pads. The pad, which is partially cylindrical in part, is a foamed material such as polyurethane and what not therefore reading on claim 6.

Lastly claim 9 refers to the conveyor means being comprised of a rotary roller and a belt adapted to be advanced by the rotary roller, where therefore the belt would include said claimed pads adhered to the belt. However this claim is anticipated by JP 325 wherein section 0011 of the embodiment of the invention this structure is described in use for conveying said ceramic blocks extruded from the extrusion guide device.

4) Claims 10-12 and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2002-103325.

From the aforementioned rejection claims 10-12 and 14-19 are basically rejected under the said same premise as above to their respective claimed language. However examiner is going to point out the features not discussed thoroughly in said aforementioned rejection in order to strengthen the point that JP 325 teaches

all previously identified aspects of claimed invention with respect to both sets of claims.

JP 325 pertains to an apparatus for producing a ceramic honeycomb molding structure having a cylindrical structure that (See Section 0001) Whereby there is a steel wire cutter that used to selectively cut slices of the extruded product (See section 0007) and of course the conveyance means with pads which were discussed in the aforementioned rejection.

Furthermore JP 325 teaches the use of a dryer within said apparatus system as can be understood in sections 0004 and 0012. Lastly the pad length is less than that of the ceramic block in order to avoid the wire cutter from cutting into the foam pad. But nonetheless the limitations pertaining to the cut of the block is rate dependent and can be adjusted to meet such a method requirement.

### ***Response to Arguments***

5) Applicant's arguments filed 7/25/06 have been fully considered but they are not persuasive. Examiner has considered applicant's arguments but in light of this newly cited reference by applicant and after translation of the reference, examiner is required to compose a new rejection in light of the reference's teachings.

*Conclusion*


6) Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 7/25/06 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Nagesh Rao whose telephone number is (571) 272-2946. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571)272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300 1700  
8/31/06

GNR